

TENTATIVE RULINGS for CIVIL LAW and MOTION

July 20, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **City of Woodland v. Tri-C Tire Recycling, Inc.**
Case No. CV CV 08-1762

Hearing Date: **July 20, 2009** **Department Fifteen** **9:00 a.m.**

Weintraub Genshlea Chediak's unopposed motion to be relieved as counsel of record for defendants Tri-C Tire Recycling, Inc., 333 North Pioneer, LLC, Kentucky Street, LLC, Jack H. Kurchian and David J. Parker is **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until a proof of service is filed with the Court showing service of a copy of the signed order on the clients. (Cal. Rules of Court, rule 3.1362(e).) Counsel shall promptly serve the clients with a copy of the signed order.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Stonegate Riverside, LLC v. Paik**
Case No. CV CV 06-1828

Hearing Date: **July 20, 2009** **Department Fifteen** **9:00 a.m.**

Michael Walla and Michael Sbrocco's motions to quash service of summons

The evidence submitted shows that Michael Walla and Michael Sbrocco purposefully availed themselves of the benefits of investing in and marketing the development of real property located in California, with the anticipation of substantial profits from such venture. (Plaintiffs' Exhibits A, B, KK and OO; Tom Church Depo. 111: 24-112: 21; 304: 12-21; 687: 20-688: 4; 802: 12-803: 12 in Plaintiffs' Exhibit I; Steven Rorke Depo. 82: 3-9; 450: 10-14; 1390: 2-1391: 9 in Plaintiffs' Exhibit J; Walla Depo 30: 23-31: 7; 46: 13-53: 24; 57: 25-58: 5; 68: 17-72: 1; 75: 19-76: 12; 78: 18-21; 97: 9-98: 6; 100: 22-101: 6; 105: 13-108: 10 in Plaintiffs' Exhibit M; Michael Sbrocco Depo. 39: 6-20; 42: 8-12; 42: 20-44: 24; 47: 3-22; 52: 16-55: 12; 55: 20-56: 7; 71: 18-72: 24 in Plaintiffs' Exhibit N; Nancy Barnett Depo. 35: 3-10; 1012: 23-1014: 6; 1317: 7-25 in Plaintiffs' Exhibit L; Declaration of Michelle Church ¶ 4 in Plaintiffs' Exhibit O; Declaration of Michelle Church ¶ 15 in Plaintiffs' Exhibit V; Declaration of Michael Walla ¶ 4

in Plaintiffs' Exhibit Y; Walla Declaration filed on July 13, 2009, ¶ 12.) The instant lawsuit is related to Mr. Walla and Mr. Sbrocco's contacts with California. California has an interest in adjudicating a malicious prosecution action arising from a lawsuit prosecuted in this State and associated with activities that occurred in or substantially affects this State. The defendants have not demonstrated that it would be unfair to require them to litigate this action in California. Accordingly, the motions to quash service of summons are **DENIED**.

River Rock Development, LLC, Hesperia Management, Inc., Hesperia Holdings, LLC, Michelle Church, Thomas Church, William Graham, Michael Sbrocco and Steven Rorke's demurrers

The defendants' requests for judicial notice are granted. (Evid. Code, § 452, subd. (d).)

The demurrers are **OVERRULED**. Defendants may be held liable for malicious prosecution if they instigated or were actively instrumental in the filing of the River Rock cross-complaint, regardless of whether they were actually cross-complainants in that action or alter egos of the cross-complainants. (*Jacques Interiors v. Petrak* (1987) 188 Cal.App.3d 1363; *Hardy v. Vial* (1957) 48 Cal.2d 577; *Lujan v. Gordon* (1977) 70 Cal.App.3d 260; Complaint ¶¶ 49-50 and 53 and 55.) It is undisputed that the October, 2005, order and judgment in the plaintiffs' favor are final.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.